

## Gambia

The December 2016 presidential election, won by opposition coalition leader Adama Barrow, brought hope for improved respect for human rights and the rule of law. Barrow defeated incumbent Yahya Jammeh who had held power since a 1994 coup and whose government had a long track record of using enforced disappearances, torture, intimidation, and arbitrary arrests to silence opposition voices.

While the two-week election campaign was peaceful, with security forces largely respecting opposition parties' rights to freedom of expression and assembly, the lead up to the campaign was characterized by the intimidation of political opponents and the government's use of state media and resources to promote Jammeh's candidacy.

In April, prominent opposition leader Solo Sandeng was beaten to death in state custody, ushering in an often-violent government crackdown on Gambia's largest opposition party, the United Democratic Party (UDP). More than 90 opposition activists were detained for participating in peaceful protests and 30 incarcerated for three-year terms, including the leadership of the UDP.

Gambian security forces, particularly the National Intelligence Agency (NIA) and Police Intervention Unit (PIU), also arrested and detained civil society activists who criticized the government, including religious leaders, trade unionists, and journalists.

During Jammeh's three decades in power, no members of state security or paramilitary groups are known to have been convicted or otherwise held to account for torture, enforced disappearances, or other serious violations.

Gambia's key international interlocutors, including the Economic Community of West African States (ECOWAS), the United Nations, the European Union, and the United States, were at

times robust critics of the government's abuses against political opponents. But in 2016 they failed to take meaningful steps to sanction the government for its persistent abuses.

Gambia notified the UN secretary-general of its withdrawal from the International Criminal Court on November 10, to take effect on November 10, 2017. However, in December, President-elect Barrow promised to reverse it.

### **Crackdown on Political Opposition**

The April death in custody of the UDP national organizing secretary, Solo Sandeng, presaged a wider crackdown against political opposition and the UDP in particular. Sandeng and some 25 others were arrested by Gambian police on April 14 during a rare public demonstration in favor of electoral reform. Sandeng was taken to the headquarters of Gambia's National Intelligence Agency and brutally beaten to death.

On April 16, Ousainou Darboe, the UDP leader, was among more than 20 people beaten and arrested by police during a protest against Sandeng's treatment. Forty-five protesters were subsequently arrested by the police during a May 9 rally.

In the aftermath of these protests, Jammeh repeatedly threatened opposition groups, which he called "evil vermin," warning them: "If you want to destabilize this country, I will bury you nine-feet deep."

Darboe and 18 others, including several other high-ranking UDP members, were sentenced on July 20 to three years' imprisonment for their role in the April 16 protest. On July 21, 11 protesters arrested with Sandeng were also sentenced to three years in prison. At time of writing, 14 other protesters arrested during a May 9 protest were on trial in the Banjul High Court.

### **Arbitrary Arrest, Detention, and Enforced Disappearances**

As well as targeting political opponents, the security services, especially the NIA, continued to arbitrarily arrest, detain, and intimidate religious leaders, trade unionists, journalists and former civil servants, seemingly targeting those critical of the government

and particularly President Jammeh. Barrow promised during his election campaign to release political prisoners.

The government has forcibly disappeared three imams arrested in October and November 2015. Alhagi Ousman Sawaneh, the imam of Kanifeng South, was arrested on October 18, 2015, reportedly because he petitioned the Gambian government to free a farming cooperative leader detained by the NIA. Sawaneh was initially taken to the NIA headquarters, and then reportedly transferred to Janjanbureh prison, where, at time of writing, he remained in incommunicado detention.

The High Court on March 21 ordered that the government produce Sawaneh in court, but it had failed to do so at time of writing. Two other imams, Sheikh Omar Colley and Imam Gassama, reportedly arrested in relation to the same incident, are also believed to being held incommunicado at Janjanbureh prison.

Ousman Jammeh, a former deputy minister of agriculture, has been held without charge in incommunicado detention since being removed from his post on October 15, 2015. Gambia's former ambassador to the African Union, Sarjo Jallow, was arrested and held without charge by the NIA on September 2, 2016. Although a Gambian court on October 17 granted him bail, he remained in state custody at time of writing.

### **Torture, Ill-treatment, and Neglect in Detention**

Gambian security forces continued to subject detainees to serious mistreatment, including torture. Several protesters arrested in April and May were subjected to serious physical abuse while in detention. UDP activist Solo Krummah, who had been arrested on May 9, died in state custody in a Banjul hospital on August 20. His family have been given no information regarding the cause of death or the medical treatment he received.

Sheriff Dibba, the leader of Gambian National Transport Control Association, died in police custody on February 21 after being arrested following a trade union demand that the government lower fuel prices. After Dibba fell ill in police custody, the government failed to provide him with prompt and adequate medical attention.

Prisons continued to operate far below international standards. Prisoners lack appropriate housing, sanitation, food, and inadequate medical care. Detainees in the security wing of Mile 2 Central Prison, including the UDP leadership, were frequently subjected to prolonged solitary confinement.

## **Freedom of Expression**

Since 1994, dozens of journalists have fled Gambia after being arbitrarily detained and often tortured. At least two journalists have been murdered or forcibly disappeared since 2004.

While there were fewer reports of abuses against journalists in 2016 than in previous years, the culture of impunity that has permitted abuses against journalists to go unpunished under Jammeh's government remained intact and caused many journalists to self-censor reporting.

The managing director of independent radio station Teranga FM, Alhagie Ceesay, who was arrested in July 2015, held without charge at the NIA headquarters, and tortured, remained in government custody until April 2016, when he escaped while receiving treatment at a Banjul hospital. He was convicted of sedition in absentia on November 9 and sentenced to four years' imprisonment.

In December 2015, the Federation of African Journalists and three exiled Gambian reporters filed a legal claim before the ECOWAS Community Court of Justice challenging a series of Gambian laws that curtail freedom of expression, including criminal laws on sedition, defamation and the publication of "false news." Gambia is yet to implement judgments in the favor of the plaintiffs in three other ECOWAS Court of Justice cases related to journalists: the enforced disappearance of Ebrima Manneh in 2006; the torture of Musa Saidykhan in 2006; and the unlawful killing of the president of the Gambia Press Union, Deyda Hydera, in 2004.

During the two-week campaign period for the December 1 election, the Independent Election Commission granted all political parties the right to equal air time daily on state media for election broadcasts. However, the near complete domination of state media by

Jammeh and the ruling party prior to the campaign period denied opposition parties a level-playing field to contest the election.

Online diaspora media organizations remain a vital source of news for Gambians with internet connectivity. The government accuses diaspora media of fabricating stories to discredit President Jammeh and, in past years, several people have been arrested for providing information to diaspora journalists.

### **Women’s and Girls’ Rights**

Gambia has very high rates of female genital mutilation (FGM). President Jammeh announced in November 2015 that Gambia would ban FGM, and the Gambian parliament enacted legislation on December 28, 2015, criminalizing the practice. Jammeh announced on July 6 that child marriage was also to be criminalized and the Gambian parliament on July 21 imposed severe penalties on parents responsible for children marrying before age 18. Women’s rights advocates underscored that, as a complement to punitive measures, intensive community education campaigns would be necessary to address the centuries-old customs that underpin these practices.

### **Sexual Orientation and Gender Identity**

The government continued to resist calls to repeal laws that criminalize homosexuality, including an October 2014 law that introduced a series of new “aggravated homosexuality” offenses that impose sentences of up to life in prison. The criminalization of same-sex conduct leaves lesbian, gay, bisexual, and transgender (LGBT) Gambians at risk of arbitrary arrest and detention, although fewer arrests and physical abuse of LGBT Gambians were reported in 2016.

### **Key International Actors**

The government’s crackdown on the opposition in advance of the election led to condemnation by the African Commission on Human and People’s Rights, the United Nations secretary-general, the United States, the European Union, and the United Kingdom.

The UN high commissioner for human rights expressed alarm at Gambia's human rights situation several times during 2016, including at the UN Human Rights Council in September. Gambia has drafted legislation, with UN assistance, for the creation of a national human rights commission, although the draft bill at time of writing had yet to be presented to the National Assembly.

President Jammeh was largely dismissive of critical statements regarding his human rights record, saying in May that human rights groups and UN Secretary-General Ban Ki-moon could "go to hell."

In February 2016, the EU deployed a resident ambassador to Gambia for the first time in its history. The US also upgraded their head of mission from a chargé d'affaires to an ambassador. The EU, which had frozen development assistance in December 2014 due to concerns over human rights abuses, now channels all aid through nongovernmental organizations.